

**Remarks/Arguments**

Claims 1-21 are now pending in this application. In the August 24, 2007 Office Action, Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,455,933 to Kodama et al., (hereinafter “*Kodama*”).

By this amendment, claims 1, 2, and 16-20 have been amended. For the reasons set forth below, the applicant respectfully requests reconsideration and immediate allowance of this application.

**Telephone Interview**

A telephone interview was conducted on March 10, 2008 between Examiner Reza and the undersigned. With respect to independent claim 1, the Examiner submitted that the recited “data storage device” was equivalent to the host computer disclosed in *Kodama*. This discussion is addressed below with respect to independent claim 1. When discussing the differences in scope between the independent claims, the Examiner asserted that all independent claims should claim similar structures, as noted in the Examiner’s Interview Summary mailed on March 18, 2008. The undersigned disagreed and explained that the independent claims may vary in scope while still claiming a single invention. When discussing the patentability of dependent claims, the Examiner suggested that any and all novel and non-obvious aspects of an invention should be recited in the independent claims rather than being recited only in a dependent claim. The undersigned disagreed and explained that dependent claims may add novel and non-obvious subject matter to that claimed in the independent claims from which they depend.

**Independent Claim 1**

Independent claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. As stated above, the Examiner equated the host computer of *Kodama* with the recited “data storage device” of claim 1. The applicant has amended independent claim 1 to clarify that the recited data storage devices of claim 1 are located within a computer. These data storage devices, such as a hard drive, contain an identifier associated with the hard drive that according to the recitations of claim 1, indicate whether the hard drive supports one or more security features. The applicant submits that the closest structure of *Kodama* to the recited “data storage

device” of claim 1 is a tape cassette. However, the tape cassettes do not store identifiers relating to the tape cassettes that indicate whether or not the tape cassette supports any security features.

The portion of *Kodama* that is cited by the Office Action as teaching this recitation discusses storing a host ID. However, the host ID is stored within memory of the changer apparatus rather than in the tape cassettes and the host ID is an identifier associated with the host computer, not an identifier of the tape cassettes, as would be required by this recitation of claim 1. To be properly rejected under 35 U.S.C. §102(b), *Kodama* must disclose “reading from each of the data storage devices one or more data storage device identifiers” as recited by claim 1. Because *Kodama* does not describe this recitation, independent claim 1 is allowable over *Kodama*.

Further, *Kodama* does not teach, suggest, or describe, “determining whether the data storage device is locked and returning from a powered off state or a hardware reset,” as recited by claim 1. The methods disclosed by *Kodama* do not consider whether the changer apparatus is returning from a powered off state or a hardware reset. Security protection information, as disclosed by *Kodama*, is stored within nonvolatile memory so that it is not erased upon the removal of power. However, storing security information or any information within ROM is not an active determination as to the previous state of the computer or device. *Kodama* does not describe determining whether or not the changer apparatus or any other device is returning from a powered off state, sleep state, or hardware reset. Accordingly, for at least these reasons, the applicant respectfully submits that independent claim 1 is allowable over *Kodama*.

#### Dependent Claim 2

Claim 2 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe any recitation of dependent claim 2. The final Office Action cites a portion of *Kodama* as teaching this recitation. The cited portion of *Kodama* discusses how conventional changer apparatuses lose reserve information when power is turned off and how the *Kodama* invention stores security protection information in nonvolatile memory so that it remains stored when the power is turned off. However, as discussed above with respect to independent claim 1, the applicant submits that storing information in nonvolatile memory so that it remains when power is turned off and then restored is not equivalent to performing each recitation of independent claim 1 during a power on test

procedure of the computer hosting the data storage devices. The applicant would like to again assert that dependent claim 2, as well as any and all of the other dependent claims, may contain patentable subject matter that is allowable regardless of the Examiner's determination as to the patentability of the base claim from which it depends. For at least this reason, and because claim 2 depends from allowable independent claim 1, dependent claim 2 is allowable over *Kodama*.

Dependent Claim 3

Claim 3 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant respectfully submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 3. In particular, *Kodama* does not describe or suggest, "setting a bit corresponding to each locked data storage device to exclude the locked data storage device from detection verification during a power on test procedure," as recited by claim 3. This procedure is performed for locked drives that are presented to the operating system since detection verification would prevent a locked drive from being presented to the operating system. See Specification, P. 16, Lines 15-25. *Kodama* does not discuss embodiments in which a locked data storage device is presented to an operating system or isolated from the operating system depending on a determination that limited access should or should not be provided. More specifically, *Kodama* does not disclose setting a bit corresponding to each locked data storage device for any reason much less to exclude the locked data storage device from detection verification during a power on test procedure. Accordingly, for at least this reason, and because claim 3 depends from allowable independent claim 1, dependent claim 3 is allowable over *Kodama*.

Dependent Claim 5

Claim 5 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 5. In particular, *Kodama* does not describe or suggest, "wherein the data storage devices are locked upon experiencing a powered off state, a sleep state, or a hardware reset," as recited by claim 5. The final Office Action again cites the portion of *Kodama* that describes storing security protection information in nonvolatile memory. As discussed above with respect to independent claim 1 and dependent claim 2, the applicant submits that storing security

information in nonvolatile memory so that it remains when power is restored does not disclose locking data storage devices upon experiencing a powered off state, a sleep state, or a hardware reset. The changer apparatus described by *Kodama* does not take action to lock any of the tape cassettes or drives upon experiencing a powered off state, a sleep state, or a hardware reset. Accordingly, for at least these reasons, and because claim 5 depends from allowable independent claim 1, dependent claim 5 is allowable over *Kodama*.

#### Dependent Claim 6

Claim 6 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 6. As discussed above with respect to claims 1, 2, and 5, *Kodama* does not discuss a method that involves determining that a data storage device is returning from a powered off sleep state or taking any action as a result. Claim 6 recites a locked data storage device returning from a powered off sleep state that is determined to have been unlocked prior to the sleep state. After determining that the unlocked data storage device entered a sleep state, was then locked, and is now returning from the sleep state, a determination is made as to whether the device should be unlocked without requiring a user to enter a password, and taking subsequent action as a result. The portion of *Kodama* cited by the Office Action, and every other portion of *Kodama*, fails to disclose any recitation of claim 6. Accordingly, for at least these reasons, and because claim 6 depends from allowable independent base claim 1, dependent claim 6 is allowable over *Kodama*.

#### Dependent Claim 9

Claim 9 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 9. In particular, *Kodama* does not describe or suggest, “disabling, until a next power cycle, the security features that enable security passwords,” as recited by claim 9. The Office Action again relies on the aspect of *Kodama* in which the security information is stored in nonvolatile memory. The applicant respectfully submits that describing a security process that includes storing security information in nonvolatile memory so that it survives a loss of power is not equivalent to determining that the data storage device is unlocked and that no security password is enabled for the device, and in response, disabling the security features that enable

security passwords until the next power cycle. There is no discussion within the *Kodama* disclosure regarding disabling security features until a next power cycle. For at least this reason, and because claim 9 depends from allowable independent claim 1, dependent claim 9 is allowable over *Kodama*.

#### Dependent Claim 10

Claim 10 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 10. In particular, *Kodama* does not describe or suggest making any determinations or taking any actions with respect to a backup password. There is no mention of backup passwords in the *Kodama* disclosure. Additionally, as discussed at length above, *Kodama* does not describe taking any action as a result of the data storage device returning from a powered off state or a hardware reset. For at least these reasons, and because claim 10 depends from allowable independent base claim 1, dependent claim 10 is allowable over *Kodama*.

#### Dependent Claim 11

Claim 11 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 11. In addition to not disclosing making any determinations or taking any actions with respect to a backup password, *Kodama* also does not describe “erasing the data storage device before unlocking the data storage device,” as recited by claim 11. The Office Action cites a portion of *Kodama* as disclosing the recitations of claims 9-11. However, there is nothing within the cited and quoted portions of *Kodama*, or any portion of *Kodama*, that discloses erasing a data storage device before unlocking it. For at least these reasons, and because claim 11 depends from allowable independent base claim 1, dependent claim 11 is allowable over *Kodama*.

#### Dependent Claim 12

Claim 12 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 12. In particular, *Kodama* does not describe or suggest a password entry attempt counter or making any determinations or taking any actions with respect to a password entry attempt

counter. For at least this reason, and because claim 12 depends from allowable independent claim 1, dependent claim 12 is allowable over *Kodama*.

#### Dependent Claim 13

Claim 13 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 13. In particular, *Kodama* does not describe or suggest a setup utility within the BIOS for controlling security passwords for a data storage device. In fact, there is no mention within the *Kodama* disclosure of a BIOS or a BIOS setup utility. For at least these reasons, and because claim 13 depends from allowable independent claim 1, dependent claim 13 is allowable over *Kodama*.

#### Independent Claim 16

Independent claim 16 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant has amended independent claim 16 to more clearly recite a system for securing the contents of one or more data storage devices. The recited system includes a memory with a stored BIOS and a central processing unit for executing the BIOS. According to the recitations of independent claim 16, the BIOS includes a BIOS security setup utility that is independent from the operating system of the computer system and that has the capability to control functions for manipulating data storage device security during a BIOS runtime.

The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of independent claim 16. In particular, as discussed above with respect to dependent claim 13, there is no discussion within *Kodama* of a BIOS or a BIOS setup utility. Consequently, there is also no discussion within *Kodama* of a BIOS having an operating system independent setup utility for controlling functions for manipulating data storage device security, as recited by claim 16. Accordingly, for at least these reasons, independent claim 16 is allowable over *Kodama*.

#### Dependent Claim 17

Claim 17 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 17. As discussed above with respect to independent claim 16, *Kodama* does not describe

or suggest an operating system independent setup utility. Additionally, *Kodama* does not describe or suggest, “storing the security password on the selected data storage device,” as recited by claim 17. As discussed above with respect to independent claim 1, *Kodama* describes storing a security password on a changer apparatus and on a host device, not on a tape cassette or other data storage device. For at least these reasons, and because claim 17 depends from allowable independent claim 16, dependent claim 17 is allowable over *Kodama*.

Dependent Claim 18

Claim 18 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant submits that *Kodama* fails to teach, suggest, or describe each recitation of dependent claim 18. As discussed above with respect to independent claim 16, *Kodama* does not describe or suggest an operating system independent setup utility. Additionally, *Kodama* does not describe or suggest an operating system independent setup utility or equivalent that is operative to “determine whether a hardware reset is performed when the BIOS setup utility is exited and in response to determining that the hardware reset is not performed when the BIOS setup utility is exited, exit the BIOS setup utility and remove power from the selected data storage device thereby locking the selected data storage device with the security password,” as recited by claim 18. *Kodama* does not describe a hardware reset or determining whether a hardware reset is performed. Consequently, *Kodama* cannot disclose determining whether a hardware reset is performed when a setup utility is exited and performing the corresponding recitations accordingly. For at least this reason, and because claim 18 depends from allowable independent base claim 16, dependent claim 18 is allowable over *Kodama*.

Independent Claim 20

Independent claim 20 was rejected under 35 U.S.C. §102(b) as being anticipated by *Kodama*. The applicant amended independent claim 20 in the same manner as that described above with respect to independent claim 1 to clarify that the data storage device is a device located within a computer for storing data, such as a hard drive, and is not equivalent to the computer itself. Claim 20 clearly recites storing a security password within a memory located within the computer, but outside of the data storage device. For the same reasons discussed above with respect to independent claim 1, independent claim 20 is allowable over *Kodama*.

Dependent Claims 4, 7, 8, 14, 15, 19, and 21

Because *Kodama* fails to teach, suggest, or describe the recitations of claims 4, 7, 8, 14, 15, 19, and 21 and because claims 4, 7, 8, 14, 15, 19, and 21 depend from allowable independent claims 1, 16, and 20, dependent claims 4, 7, 8, 14, 15, 19, and 21 are allowable over *Kodama*.

**Conclusion**

In view of the foregoing amendment and remarks, the applicants respectfully submit that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicants' undersigned attorney at the number below.

Respectfully submitted,

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/Michael J. Baldauff, Jr./

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